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Part 1

PRINCE WILLIAM SOUND OIL SPILL RESPONSE ACT

JULY 31, 1989.—Ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 2158]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 2158) to provide better maritime safety for Prince William Sound, AK, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Prince William Sound Oil Spill Response Act of 1989".

FINDINGS

SEC. 2. Congress finds that—

(1) The oil spill resulting from the grounding of the T/V EXXON VALDEZ on March 24, 1989, in Prince William Sound, Alaska, is an economic and ecological disaster of major proportions;

(2) the subsequent response and cleanup efforts have been hindered by lack of centralized authority;

(3) the oil spill contingency plan currently approved for Prince William Sound, Alaska, is wholly inadequate;

(4) existing law governing oil spill response, prepositioning of cleanup equipment, and granting of mariners' licenses applicable to Prince William Sound, Alaska, must be changed as a result of the T/V EXXON VALDEZ spill;

(5) insufficient funds are available for living marine resource environmental damage assessment, environmental monitoring, and oil spill cleanup research and development for marine spills that affect living marine resources and marine transportation; and

(6) immediate action must be taken to resolve problems identified after the T/V EXXON VALDEZ oil spill and the subsequent response.

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DEFINITIONS

SEC. 3. For the purposes of this Act.—

(1) "Arctic waters" means the navigable waters of the United States within the State of Alaska and the waters of the exclusive economic zone established by Presidential Proclamation numbered 5030, dated March 10, 1983, adjacent to the State of Alaska.

(2) "tank vessel" has the same meaning given that term in section 2101(39) of title 46, United States Code, except that it does not include an escort vessel or any other vessel used to respond to an unlawful discharge of oil.

TITLE I—OIL SPILL PREVENTION AND RESPONSE

COAST GUARD AUTHORITY

SEC. 101. (a) In the event of an unlawful discharge of oil into or upon Arctic waters or adjoining shorelines, the Secretary of Transportation may direct all Federal, state, and private activities regarding the containment, cleanup, removal, and other responses to the discharge.

(b) In exercising the Secretary's authority under subsection (a), the Secretary may—

(1) act to remove or arrange for the removal of the oil under section 311(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)(1));

(2) direct the party responsible for the discharge to take actions the Secretary determines to be necessary and proper regarding the removal of the oil, and if the responsible party does not comply with the direction, take action regarding the removal of the oil; and

(3) provide support and assistance from any source under an agreement with the party responsible for the spill on that party's response and removal activity.

(c) An action taken by the Secretary under subsection (b)(2) of this section is deemed to be necessary and proper.

(d) The party responsible for the spill is liable, subject to the limits of liability under applicable Federal law, for the actual costs incurred by the Secretary and any other Federal agency under subsection (b)(2) or (3) of this section.

(e) Amounts received from the party responsible for the spill under subsection (d) of this section shall be credited to the appropriate appropriation of the Federal agency concerned.

(f) This section does not relieve the party responsible for the unlawful discharge of oil from liability or the obligation to remove the oil from the environment under this or any other law.

TANK VESSEL REQUIREMENTS

SEC. 102. (a) Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under section 3703(3) of title 46, United States Code, addressing:

(1) requirements for tank vessels transporting oil from the Trans-Alaska Pipeline within designated areas of Prince William Sound, Alaska, to be escorted by at least one towing vessel (as defined under section 2101 of title 46, United States Code) or other vessel considered appropriate by the Secretary;

(2) in addition to the requirements of section 8502 of title 46, United States Code, the use of a pilot licensed by the State of Alaska who is operating under a Federal license for all tank vessels navigating between the Port of Valdez, Alaska, and a point in Prince William Sound, Alaska, south of Bligh Reef; and

(3) requirements for tank vessels operating in designated areas of Prince William Sound, Alaska, to have on board and available for use by an oil spill response team appropriate equipment or materials sufficient to minimize the damage to the coastal and marine environment and respond quickly in the event of an oil spill.

RADAR COVERAGE

SEC. 103. (a) Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall prepare a plan to modify the surveillance coverage for vessels in Prince William Sound, Alaska. The plan shall include options for construction of new radar sites to cover all of the Vessel Traffic System within Prince William Sound, a review of existing vessel surveillance programs to ensure constant contact with vessel traffic when necessary, a review of radar maintenance policies to ensure that the System is maintained at or above a 99.9% availability

standard, and any proposals using other technology that will provide the same operational and availability standards.

(b) The Secretary shall implement the plan required under subsection (a) of this section not later than one year after its preparation.

EQUIPMENT AND PERSONNEL REQUIREMENTS

SEC. 104. Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations for Prince William Sound, Alaska, addressing—

(1) requirements relating to the prepositioning of oil spill containment and cleanup equipment in the Port of Valdez, the City of Cordova, and other locations within the geographic boundaries of Prince William Sound, Alaska, including escort vessels with skimming capability, barges to receive recovered oil, heavy duty sea boom, pumping, transferring, lightering equipment, and other appropriate recovery equipment for protection of the coastal and marine environment, including fish hatcheries;

(2) the requirement prior to transferring oil in the Port of Valdez for adequate reception facilities to be available for receiving oil removed from the waters of Prince William Sound, Alaska;

(3) the requirement for the establishment of an oil spill response team at Cordova, Tatitlek, Chenega, or any other appropriate location in Prince William Sound, Alaska, consisting of trained personnel in sufficient numbers to provide an immediate response to a spill of 200,000 barrels of oil;

(4) the requirement for conducting periodic oil spill response exercises, including the practice and training of the response team with the prepositioned equipment not less than 2 times per year; and

(5) the requirement for providing training in oil spill containment and recovery techniques for individuals engaged in the cultivation or production of fish or fish products in Prince William Sound, Alaska.

CONTINGENCY PLAN REVISION

SEC. 105. Not later than 180 days following enactment of this Act, the Secretary of Transportation shall require and approve, after opportunity for comment, the revision of the Federal oil spill contingency plan for Prince William Sound, Alaska.

USE OF LOCAL SERVICES

SEC. 106. When issuing regulations under this title, the Secretary of Transportation shall consult with local residents and significant local landowners of the Prince William Sound, Alaska, area. The Secretary shall also, whenever practicable, ensure the use of local expertise and services in carrying out this title.

AUTHORITY OF THE STATE OF ALASKA

SEC. 107. Nothing in this title shall be construed or interpreted as changing, diminishing, or preempting in any way the authority of the State of Alaska, or any political subdivision thereof, to regulate oil tankers or to provide for oil spill contingency response planning in state waters.

TITLE II—SANCTIONS

CONSIDERATION OF ALCOHOL ABUSE WITH RESPECT TO SEAMEN LICENSES

SEC. 201. (a) ISSUE AND RENEWAL OF LICENSE.—

(1) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following:

"§ 7115. Consideration of alcohol abuse in issuing and renewing licenses

"(a) The Secretary may not issue or renew a license under this chapter for any individual who—

"(1) the Secretary determines is a current or chronic abuser of alcohol; or

"(2) fails to make available to the Secretary the information referred to in subsection (b)(1) of this section.

"(b)(1) The Secretary shall require each individual applying for issuance or renewal of a license under this chapter to make available to the Secretary, under section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note), all information contained in the National Driver Register regarding the motor vehicle driving record of that individual.

"(2) Upon receiving information under paragraph (1) of this section that an individual applying for issuance or renewal of a license under this chapter has been found guilty of an alcohol-related infraction resulting in suspension or revocation of a motor vehicle operator license issued to the individual, the Secretary shall conduct necessary investigations to determine if the individual is a current or chronic abuser of alcohol.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 71 of title 46, United States Code, is amended by adding at the end the following:

"§ 7115. Consideration of alcohol abuse in issuing and renewing licenses"

(b) SUSPENSION AND REVOCATION OF SEAMEN LICENSES.—Section 7703 of title 46, United States Code, is amended—

(1) by inserting "(a)" before the first sentence; and

(2) by adding at the end the following:

"(b)(1) The Secretary shall suspend or revoke a license issued by the Secretary to a holder if—

"(A) the Secretary determines the holder is a current or chronic abuser of alcohol; or

"(B) the holder fails to make available to the Secretary the information referred to in subsection (c)(3) of this section.

"(2) Any determination of the Secretary to suspend or revoke the license of a holder under paragraph (11) of this subsection shall be based on the severity of abuse of alcohol by the holder and the length of time necessary to control that abuse.

"(3) The Secretary shall conduct necessary investigations to determine if a holder is a current or chronic abuser of alcohol if the Secretary receives information—

"(A) regarding any alcohol-related misconduct of the holder; or

"(B) Under paragraph (4) of this subsection that the holder has been found guilty of an alcohol-related infraction resulting in suspension or revocation of a motor vehicle operator license issued to the holder.

"(4) The Secretary may request an individual who holds a license issued by the Secretary to make available to the Secretary, under section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note), all information contained in the National Driver Register regarding the holder's motor vehicle driving record.

"(5) The Secretary may not reinstate the license of an individual under paragraph (1)(A) of this subsection until the individual provides sufficient proof that the individual is no longer a current or chronic abuser of alcohol.".

(c) ACCESS TO NATIONAL DRIVER REGISTER.—Section 206(b) of the National Driver Register Act of 1982 (23 U.S.C. 401, note) is amended—

(1) by redesignating paragraphs (4) and (5), and any reference thereto, as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph;

"(4) Any individual who has applied for or received a license in accordance with section 7101 of title 46, United States Code, or has applied for a renewal of a license, may request the chief driver licensing official of a state to transmit information regarding the individual under subsection (a) of this section to the Secretary. The Secretary may receive the information and shall make the information available to the individual for review and written comment. The Secretary may not otherwise divulge or use the information, except in accordance with section 7115 or 7703 of title 46, United States Code. There shall be no access to information in the Register under this paragraph if the information was entered in the Register more than 5 years before the date of the request, unless the information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by states under the Act of July 14, 1960 (74 Stat. 526), or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) fo this Act."

PENALTY RECOMMENDATION

SEC. 202. Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the adequacy of civil penalties for violations of existing laws governing the operation of a tank vessel by an individual under the influence of alcohol, and any proposals for changes in, or additions to, those laws.

TITLE III—ENVIRONMENTAL MONITORING AND RESEARCH AND DEVELOPMENT IN PRINCE WILLIAM SOUND

LIVING MARINE RESOURCE ENVIRONMENTAL MONITORING

SEC. 301. (a) Out of sums appropriated for each of fiscal years 1990, 1991, and 1992, the Under Secretary for Oceans and Atmosphere of the Department of Commerce shall expand at least $5,000,000 in each fiscal year to conduct living marine resource damage assessments and to monitor the short and long term environmental effects on living marine resources in Arctic waters due to the oil spill that occurred as a result of the grounding of the T/V EXXON VALDEZ in Prince William Sound, Alaska, on March 24, 1989.

(b) The Secretary of Commerce shall, whenever possible, recover the sums expended under subsection (a) of this section from the owner or operator of the T/V EXXON VALDEZ. These sums shall be credited to the appropriations of the National Oceanic and Atmospheric Administration.

(c) When carrying out the Secretary's responsibilities under this section, the Secretary of Commerce shall—

(1) consult with local residents and significant local landowners of the Prince William Sound, Alaska, area;

(2) coordinate assessment and monitoring work with the State of Alaska and the Prince William Sound Science and Technology Institute through establishment of an appropriate working group; and

(3) to the extent practicable, use local services and expertise.

MARITIME RESEARCH AND DEVELOPMENT

SEC. 302. There is authorizing to be appropriated to the Maritime Administration the sum of $3,000,000 for Fiscal Year 1990 to conduct technical and program studies on the safety of tank vessels operating in Arctic waters.

TITLE IV—PLANS AND RECOMMENDATIONS

SECRETARIAL REPORT

SEC. 401. Not later than 120 days after the date of this Act, after providing a 60-day public comment period, the Secretary of Transportation shall report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate on—

(1) actions taken by the Secretary to correct inadequacies of existing contingency plans for Prince William Sound, Alaska;

(2) a list of oil pollution exercises conducted in the Port of Valdez and Prince William Sound, Alaska, during the operation of the Trans-Alaska Pipeline; and

(3) any other matter the Secretary considers important regarding oil spills in Arctic waters, including faster approval by state or Federal agencies of oil spill response technology.

PURPOSE OF THE BILL

H.R. 2158 makes findings regarding the response to the oil spill which occurred in Prince William Sound, Alaska, on March 24, 1989; imposes requirements on the Coast Guard to develop and implement new regulations regarding maritime safety, oil spill prevention, and oil spill cleanup in Prince William Sound; permits the Secretary of Transportation to revoke the licenses of merchant seamen who abuse alcohol; authorizes funding for environmental monitoring in Prince William Sound by the Department of Commerce and research and development by the Maritime Administration; and requires certain reports to be submitted to Congress by the Secretary of Transportation.

BACKGROUND AND NEED FOR LEGISLATION

On March 24, 1989, the T/V *Exxon Valdez* went aground on Bligh Reef in Prince William Sound, Alaska, spilling approximate-

ly 250,000 barrels of crude oil into the water. The oil later spread to a number of areas in Prince William Sound, to Kodiak Island, and to the Alaska Peninsula. Aside from the esthetic damage to the Alaskan coastline, a large number of sea birds and marine mammals were killed by the oil. In addition, damage to several fish hatcheries was narrowly averted by prompt action on the part of the hatchery operators and local fishermen.

Response to the spill by Federal and state authorities and by Exxon, Incorporated, the vessel owner, was wholly inadequate. In spite of the existence of agreed-upon oil spill contingency plans, lines of communication did not exist; cleanup was hampered by a lack of establishing central authority and responsibility under the National Contingency Plan; and equipment necessary to contain the oil was either not present or was insufficient to cope with a spill of this magnitude.

The grounding itself led to a renewal of complaints about radar coverage of the Prince William Sound Vessel Traffic System which had been raised by local commercial fishermen as long ago as 1978. Further, a post-accident alcohol test on the master of the *Exxon Valdez*, who was not present on the vessel's bridge when the grounding occurred, revealed a blood alcohol content greater than allowed for a vessel operator. Additional investigation revealed that the vessel master had been enrolled in an alcohol abuse program conducted by Exxon and that he had been convicted several times of driving an automobile while under the influence of alcohol.

Committee Action

On April 6, 1989, the Subcommittee on Coast Guard and Navigation conducted an oversight hearing on the Prince William Sound spill and its aftermath. Testimony was heard from the Federal government, the State of Alaska, and several private witnesses, including the Chairman of the Board of Exxon. Several of the witnesses, in their testimony and in response to questions, suggested actions that could be taken to improve maritime safety in Prince William Sound and prevent a recurrence of the *Exxon Valdez* spill.

On April 27, 1989, Mr. Young of Alaska, for himself, Mr. Anderson, and Mr. Weldon, introduced H.R. 2158, the "Prince William Sound Oil Spill Response Act of 1989." The bill was referred to the Committee on Merchant Marine and Fisheries and the Committee on Public Works and Transportation.

On May 11, 1989, the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries held a hearing on H.R. 2158. Testimony was received from the Coast Guard, the National Oceanic and Atmospheric Administration, the State of Alaska, a marine biologist from the University of Texas, and representatives of the commercial fishing, maritime, and oil industries. With the exception of Administration witnesses, who had no position, those testifying favored the bill with appropriate modifications.

On May 24, 1989, the Subcommittee on Coast Guard and Navigation met in markup session. At that time, Mr. Young offered an amendment in the nature of a substitute to H.R. 2158. Mrs. Lowey

offered an amendment to the Young amendment. Both amendments were adopted by voice vote and the bill, as amended was ordered reported to the Committee on Merchant Marine and Fisheries by voice vote. Mrs. Lowey's amendment is identical to her bill, H.R. 2453, which was introduced on May 23, 1989. Her amendment is similar to H.R. 1775 introduced by the Honorable Silvio Conte, and two bills introduced by request for the Administration, H.R. 2685 (Mr. Davis) and H.R. 2688 (Mr. Hammerschmidt).

On June 21, 1989, the Committee on Merchant Marine and Fisheries considered H.R. 2158 and, by voice vote, ordered it reported, as amended. During the course of the markup, Mr. Young offered nine technical and clarifying amendments en bloc, which were accepted by unanimous consent; an amendment clarifying state authority, which was accepted by voice vote; and an amendment on behalf of Mr. Tauzin clarifying the responsibilities of the Secretary of Transportation and parties responsible for the unlawful discharge of oil, which was accepted by voice vote.

Section-by-Section Analysis

Section 1 sets out the short title of the bill as the "Prince William Sound Oil Spill Response Act of 1989."

Section 2 presents Congressional findings that the *Exxon Valdez* oil spill is an economic and ecological disaster; that the response to the spill was hampered by lack of centralized authority; that the Prince William Sound Oil Spill contingency plan is wholly inadequate; and that changes in existing law must be made to respond to a future spill of this nature in Prince William Sound.

Section 3 defines terms used in the bill.

TITLE I—OIL SPILL PREVENTION AND RESPONSE

Section 101 governs certain actions of the Secretary of Transportation in the event of an unlawful discharge of oil into Arctic waters. It stipulates that the Secretary may direct all cleanup activities. In doing so, the Secretary may remove the oil using Federal resources, and may provide Federal support under an agreement whereby those responsible will pay for that support. Any funds received from the responsible party are to be credited to the appropriation of the Federal agency which provided support. The Committee wishes to make clear that funds received in this matter are not simply treated as general revenues but are returned to the Federal agency concerned through the appropriate process. Further, this section clearly states that, regardless of who engages in or pays for the cleanup, nothing in this Act excuses the responsible party from any legal liability for an unlawful discharge or from the obligation to remove the spilled oil from the environment. However, the liability of the responsible party is not meant to exceed any limits established under applicable Federal law.

In addition, even though the bill merely authorizes the Secretary to take charge of cleanup activities rather than directing the Secretary to do so, this is only done to prevent a spiller from using lack of direction as a legal excuse to do nothing in regard to an unlawful discharge. The Committee expects that, in the case of a future spill of the magnitude of the *Exxon Valdez* incident, the Secretary,

acting through the U.S. Coast Guard, will promptly assume control of containment and cleanup efforts.

Section 102 requires the Secretary of Transportation, within 120 days after the date of enactment of this Act, to issue regulations addressing escort vessels for tank vessels travelling within designated areas of Prince William Sound, the use of pilots licensed by the State of Alaska on those tank vessels, and the carriage of oil spill response equipment on board those tank vessels.

The Committee notes that, while reasonable discretion is given to the Secretary, the Committee intends that the Secretary issue regulations requiring the use of at least one towing vessel or other escort vessel while a tank vessel is in Prince William Sound. The Committee notes that representatives of the oil industry have suggested using oil supply vessels as escort vessels, with a crew trained in oil spill response and with spill response equipment on board. The Committee believes that the Secretary should investigate this option.

When requiring the use of pilots licensed by the State of Alaska, the Committee required that those pilots operate under their Federal licenses. This is the current situation in Prince William Sound. The Committee took this approach to ensure that the local knowledge and expertise of state-licensed pilots would be utilized. At the same time, the Committee intends that those pilots be responsible to a Federal authority.

In addition, the Committee recognizes the concerns expressed by tank vessel operators that deployment of oil spill response equipment from a tank vessel by that vessel's crew is a dangerous undertaking. Therefore, while the Committee intends that oil spill response equipment be carried on board tank vessels operating in Prince William Sound, that equipment should be used by an appropriate oil spill response team.

Section 103 requires the Secretary to prepare and implement a plan modifying surveillance coverage to vessels in Prince William Sound. The Committee notes that there is a well-documented history of concern over the extent of radar coverage in the Sound, in terms of both the areas of the Sound that are covered by existing radar installations and the reliability and operational readiness of the radar units. The Committee expects the Secretary to address these problems.

Section 104 requires the Secretary of Transportation to issue regulations, within 120 days of enactment of this Act, addressing prepositioning of oil spill response equipment, the availability of facilities to receive oil removed from the water, the establishment of an oil spill response team, the need for periodic oil spill response drills, and the need to provide training in oil spill containment to the local fishing industry.

As is the case with section 102, the Committee has provided the Secretary with a reasonable amount of discretion in issuing regulations. However, the Committee does not intend that the Secretary take unreasonable advantage of this discretion by doing nothing. The Committee expects the Secretary to act responsibly and in a timely fashion to issue regulations governing those involved in the carriage of oil on tank vessels in Prince William Sound so that the equipment, personnel, and training will be provided.

For example, the Committee expects the regulations to address things such as ensuring that equipment is prepositioned at the most critical points of need, as addressed in contingency plans; that equipment should actually be ready for deployment at all times; and that the equipment should be periodically inspected and tested in conjunction with oil spill response team exercises. Equipment that is in poor condition or unavailable when needed is useless.

Section 105 requires the Secretary of Transportation to require and approve the revision of the Federal oil spill contingency plan for Prince William Sound. As noted above, the Committee has found the existing contingency plans to be wholly inadequate, especially in light of the nearly complete breakdown of response capability during the first few days of the *Exxon Valdez* spill. Further, by requiring the Secretary to approve the revised plan, the Committee intends that the public will have an opportunity to comment on it, as would be the case in any other Federal regulation.

Section 106 requires the Secretary of Transportation to consult with local residents and significant local landowners of the Prince William Sound, Alaska, area and, when practicable, utilize local expertise and services in carrying out the provisions of this title of the Act. As is often the case, local residents have intimate knowledge of the geography and ecology of Prince William Sound. Unfortunately, little attention often is paid to local knowledge because it does not comport with scientific theories or with the way oil spill response operations are conducted in other areas. The Secretary should take advantage of this body of local knowledge to avoid exacerbating existing problems and to increase public support for the Secretary's activities. This is especially true in the case of Alaska Native corporations, which are the significant local landowners in the Prince William Sound area.

Section 107 clarifies that title I of the bill does not change, diminish, or preempt any authority that the State of Alaska may have to regulate oil tankers or provide for oil spill contingency response in state waters. This section does not provide any new authority to the State of Alaska or any of its political subdivisions; it merely emphasizes that existing authority is not affected consistent with legal precedent and court decisions.

Further, the Committee recognizes that the State of Alaska has imposed regulations on vessel operators in state waters that are similar to the requirements of this Act. In exercising responsibility under title I, the Secretary should examine those state regulations to ensure that, where possible, a single standard is imposed on vessel owners and operators.

TITLE II—SANCTIONS

Section 201 provides the Secretary of Transportation with additional authority to prevent known abusers of alcohol from operating commercial vessels.

Subsection (a) amends chapter 71 of title 46, United States Code, to prohibit the Secretary from issuing to or renewing a license for an individual who the Secretary determines is a current or chronic abuser of alcohol or who fails to make certain information available to the Secretary. It also requires individuals applying for issu-

ance or renewal of a license to furnish all information to the Secretary that is contained in the National Driver Register and, if the information reveals that the individual has had a driving license revoked or suspended due to an alcohol-related infraction, requires the Secretary to conduct an investigation to determine if the individual is a current or chronic abuser of alcohol.

Subsection (b) amends section 7703 of title 46, United States Code, to allow the Secretary to suspend or revoke an individual's license upon determination that the individual is a current or chronic abuser of alcohol or if the individual refuses to supply certain information regarding the individual's driving record that is requested by the Secretary. It further allows the Secretary to conduct appropriate investigations to make the determinations necessary under this section.

Subsection (c) amends section 206(b) of the National Driver Register Act of 1982 to give the Secretary access to the information contained within the National Driver Register upon the request of an individual who has applied for or received a license under section 7101 of title 46, United States Code.

Section 202 requires the Secretary to report to Congress on the adequacy of existing civil penalties for violations of laws governing the operation of a tank vessel by an individual under the influence of alcohol, and any recommendations for changes in such laws.

TITLE III—ENVIRONMENTAL MONITORING AND RESEARCH AND DEVELOPMENT IN PRINCE WILLIAM SOUND

Section 301 requires the Under Secretary for Oceans and Atmosphere of the Department of Commerce to expend $15 million during Fiscal Years 1990 through 1992 to assess and monitor the effects of the *Exxon Valdez* spill on the living marine resources of Prince William Sound. This section further requires the Secretary of Commerce, when possible, to recover the amounts expended from the owner or operator of the *Exxon Valdez*. Any amounts recovered are to be credited to the appropriations of the National Oceanic and Atmospheric Administration. In carrying out activities under this section, the Under Secretary is expected to consult with local residents and significant local landowners of the Prince William Sound, Alaska area; to coordinate monitoring and assessment work with the State of Alaska and the Prince William Sound Science and Technology Institute in Cordova, Alaska; and to utilize local services and expertise. As noted above, local knowledge, especially on the part of Alaska Native Corporations who are significant local landowners, is often invaluable and should be used to the maximum extent practicable.

Section 302 authorizes $3 million to the Maritime Administration to conduct technical program studies on the safety of tank vessels operating in Arctic waters for fiscal year 1990.

TITLE IV—PLANS AND RECOMMENDATIONS

Section 401 requires the Secretary of Transportation to report to Congress on actions taken by the Secretary to correct inadequacies of existing contingency plans for Prince William Sound, to provide a list of oil pollution exercises conducted in the Port of Valdez and

Prince William Sound during the operation of the Trans-Alaska Pipeline, and to include information on any other matter that the Secretary considers important.

Inflationary Impact Statement

With respect to the requirements of clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2158 will have no significant impact on inflation or the economy.

Cost of the Legislation

The provisions of clause 7 of rule XIII of the Rules of the House of Representatives do not apply where a cost estimate and comparison prepared by the Congressional Budget Office has been completed and included in the report.

Compliance With Clause 2 (l)(3) of Rule XI

In compliance with clause 2(l)(3) of rule XI of the Rules of the House of Representatives:

(A) The Subcommittee on Coast Guard and Navigation held a hearing on H.R. 2158 on May 11, 1989.

(B) The requirements of section 308(a) of the Congressional Budget Act of 1974 are not applicable to this legislation since it does not provide new budget authority or new or increased tax expenditures.

(C) The Committee on Merchant Marine and Fisheries has received no report from the Committee on Government Operations pursuant to clause 4(c)(2) of rule X of the Rules of the House of Representatives of oversight findings and recommendations on the subjects addressed by H.R. 2158.

(D) The Director of the Congressional Budget Office has furnished the Committee with a report fulfilling the requirements of section 308(a) of the Congressional Budget Act of 1974 and an estimate and comparison of cost of H.R. 2158 pursuant to section 403 of the Congressional Budget Act of 1974. The report reads as follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 14, 1989.

Hon. Walter B. Jones,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.

Dear Mr. Chairman, The Congressional Budget Office has prepared the attached cost estimate for H.R. 2158, the Prince William Sound Oil Spill Response Act of 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Robert D. Reischauer,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2158.

2. Bill title: The Prince William Sound Oil Spill Response Act of 1989.

3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries on June 21, 1989.

4. Bill purpose: Title I of H.R. 2158 would require the U.S. Coast Guard (USCG) to develop and implement new regulations and plans regarding tanker safety and oil spill prevention and cleanup in Prince William Sound.

Title II would require the Secretary of Transportation to perform additional background checks for new maritime license applications and renewals and to take action against merchant seamen who abuse alcohol.

Title III of the bill would require the Department of Commerce (DOC) to use at least $15 million over three years to conduct environmental monitoring in Prince William Sound. The DOC would be required to recover these sums, if possible, from the owner or operator of the Exxon Valdez. In addition, $3 million would be authorized for one year for certain research and development activities by the Maritime Administration.

Finally, Title IV would impose certain additional reporting requirements on the Department of Transportation.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated authorization level	11	12	8	3	3
Estimated outlays	8	10	10	5	3

If the USCG provides equipment and response capabilities as a result of the requirements in Section 104, additional funds totaling about $3 million would be necessary in fiscal year 1990.

The costs of this bill fall within budget function 400.

Basis of estimate: For the purposes of this estimate, CBO assumes that the amounts estimated will be appropriated prior to the beginning of each fiscal year. The authorization level includes those amounts specified in Title III as well as estimated funds needed, as discussed below, to carry out activities authorized in Titles I and II.

Outlays have been estimated on the basis of historical spending patterns.

Title I. Based on information from the USCG, we estimated that modifications of surveillance activities and revisions of oil spill contingency plans in Prince William Sound would result in additional costs totaling about $0.4 million annually for operating expenses and additional personnel, plus about $3 million over the 1991–1992 period to purchase additional surveillance and cleanup equipment.

Title II. Information from the USCG indicates that the new licensing provisions in H.R. 2158 would increase the cost of maritime license review activities. Many licenses are not subject to renewal

under current law, and the bill would require checking on alcohol abuse as part of the process of issuing or renewing licenses. These additional requirements, particularly the renewal requirements, are expected to add approximately $3 million annually to the costs of carrying out these activities assuming no automation of the existing system. If the USCG receives the $2.2 million it is requesting for fiscal year 1991 to automate its license review system, these costs for background checks would be significantly reduced in subsequent years.

Title III. While the DOC would be required to try to recover the amounts it expends for resource damage assessments, CBO cannot predict whether any such recoveries would occur.

6. Estimated cost to state and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Theresa Gullo and Deborah Reis.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Departmental Reports

The Committee on Merchant Marine and Fisheries did not receive any reports from the Administration.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

46 U.S.C. Chapter 71

CHAPTER 71—LICENSES AND CERTIFICATES OF REGISTRY

Sec.
7101. Issuing and classifying licenses and certificates of registry.
7102. Citizenship.
7103. Licenses for radio officers.
7104. Certificates for medical doctors and nurses.
7105. Oaths.
7106. Duration of licenses.
7107. Duration of certificates of registry.
7108. Termination of licenses and certificates of registry.
7109. Renewal of licenses.
7110. Exhibiting licenses.
7111. Oral examinations for licenses.
7112. Licenses for masters or mates as pilots.
7113. Exemption from draft.
7114. Fees.
7115. Consideration of alcohol abuse in issuing and renewing licenses.

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§ 7115. Consideration of alcohol abuse in issuing and renewing licenses

(a) The Secretary may not issue or renew a license under this chapter for any individual who—

(1) the Secretary determines is a current or chronic abuser of alcohol; or

(2) fails to make available to the Secretary the information referred to in subsection (b)(1) of this section.

(b)(1) The Secretary shall require each individual applying for issuance or renewal of a license under this chapter to make available to the Secretary, under section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note), all information contained in the National Driver Register regarding the motor vehicle driving record of that individual.

(2) Upon receiving information under paragraph (1) of this section that an individual applying for issuance or renewal of a license under this chapter has been found guilty of an alcohol-related infraction resulting in suspension or revocation of a motor vehicle operator license issued to the individual, the Secretary shall conduct necessary investigations to determine if the individual is a current or chronic abuser of alcohol.

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46 U.S.C. 7703

§ 7703. Bases for suspension or revocation

(a) A license, certificate of registry, or merchant mariner's document issued by the Secretary may be suspended or revoked if, when acting under the authority of that license, certificate, or document, the holder—

(1) has violated or failed to comply with this subtitle, a regulation prescribed under this subtitle, or any other law or regulation intended to promote marine safety or to protect navigable waters.

(2) has committed an act of incompetence, misconduct, or negligence.

(b)(1) The Secretary shall suspend or revoke a license issued by the Secretary to a holder if—

(A) the Secretary determines the holder is a current or chronic abuser of alcohol; or

(B) the holder fails to make available to the Secretary the information referred to in subsection (c)(3) of this section.

(2) Any determination of the Secretary to suspend or revoke the license of a holder under paragraph (1) of this subsection shall be based on the severity of abuse of alcohol by the holder and the length of time necessary to control that abuse.

(3) The Secretary shall conduct necessary investigations to determine if a holder is a current or chronic abuser of alcohol if the Secretary receives information—

(A) regarding any alcohol-related misconduct of the holder; or

(B) under paragraph (4) of this subsection that the holder has been found guilty of an alcohol-related infraction resulting in suspension or revocation of a motor vehicle operator license issued to the holder.

(4) The Secretary may request an individual who holds a license issued by the Secretary to make available to the Secretary, under section 206(b)(4) of the National Driver Register Act of 1982 (23 U.S.C. 401 note), all information contained in the National Driver Register regarding the holder's motor vehicle driving record.

(5) The Secretary may not reinstate the license of an individual under paragraph (1)(A) of this subsection until the individual provides sufficient proof that the individual is no longer a current or chronic abuser of alcohol.

NATIONAL DRIVER REGISTER ACT OF 1982

(Pub. L. 97-364, 96 Stat. 1740)

ACCESSIBILITY OF REGISTER INFORMATION

SEC. 206. (a)(1) For purposes of fulfilling his duties with respect to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of any participating State may, on and after the date of enactment of this title [Oct. 25, 1982], request the Secretary to refer electronically or through the United States mails any request for information regarding the motor vehicle driving record of any individual to the chief driver licensing official of any State of record.

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(4) Any individual who has applied for or received a license in accordance with section 7101 of title 46, United States Code, or has applied for a renewal of a license, may request the chief driver licensing official of a state to transmit information regarding the individual under subsection (a) of this section to the Secretary. The Secretary may receive the information and shall make the information available to the individual for review and written comment. The Secretary may not otherwise divulge or use the information, except in accordance with section 7115 or 7703 of title 46, United States Code. There shall be no access to information in the Register under this paragraph if the information was entered in the Register more than 5 years before the date of the request, unless the information relates to revocations or suspensions that are still in effect on the date of the request. Information submitted to the Register by states under the Act of July 14, 1960 (74 Stat. 526), or under this Act shall be subject to access for the purpose of this paragraph during the transition to the Register established under section 203(a) of this Act.

(b) **[**(4)**]** *(5)* Any individual, in order (A) to determine whether the Register is providing any data regarding him or the accuracy of any such data; or (B) to obtain a certified copy of data provided through the Register regarding him, may request the chief driver licensing official of a State to obtain information regarding him under subsection (a) of this section. Information submitted to the Register by States under the Act of July 14, 1060 (74 Stat. 526) [Pub. L. 86-660, July 14, 1960, 74 Stat. 526, as amended, set out as a note under former section 313 of this title], and under this Act [this note] shall be subject to access for the purpose of this para-

graph during the transition to the Register established under section 203(a) of this Act.

[(5)] *(6)* Any request made under this subsection shall be made in such form, and according to such procedures, as the Secretary shall establish by regulation.

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CRIMINAL PENALTIES

SEC. 208. (a) Any person, other than an individual described in section 206(b)[(4)]*(5)* of this title, who receives under section 206 of this title information specified in section 205(b) (1) or (3) of this title (the disclosure of which is not authorized by section 206 of this title), and who, knowing that disclosure of such information is not authorized, willfully discloses such information, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any person who knowingly and willfully requests or under false pretenses obtains information specified in section 205(b) (1) or (3) of this title from any person who receives such information under section 206 of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

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